

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RUSSEL D. BASS,

Petitioner,

v.

LISA J.W. HOLLINGSWORTH,

Warden, United States Penitentiary

at Marion, IL,

Respondent.

Case No.: 3:09-cv-01059-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on Magistrate Judge Philip M. Frazier's Report and Recommendation ("R & R") (Doc. 12) of 10/15/2010, wherein it is recommended that Respondent's Motion to Dismiss Petitioner Russel D. Bass's Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 for lack of subject matter jurisdiction (Doc. 10) be granted and that Petitioner's Petition for Writ of Habeas Corpus (Doc. 1) be denied. Petitioner Russel Bass did object to the R & R. After reviewing a magistrate judge's report and recommendation, the Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in the report. Fed. R. Civ. P. 72(b). The Court has discretion to conduct a new hearing and may consider the record before the magistrate judge anew or receive any further evidence deemed necessary. *Id.*

The Court must review *de novo* the portions of the report to which specific written objections are made. *Id.* "If no objection or only partial objection is made, the district court Judge reviews those unobjected portions for clear error." *Johnson v. Zema Sys. Corp.*, 170 F.3d

734, 739 (7th Cir. 1999). Russel D. Bass has filed an objection, however, the objection consists of blanket statements rejecting the R&R and do not provide any substance or rationale behind the objection. (Doc. 13). After acknowledging Mr. Bass's objections and reviewing Judge Frazier's R & R under a *de novo* standard of review, the Court finds the Report and Recommendation to be an accurate statement of the law applied to Mr. Bass.

Accordingly, the Court hereby **ADOPTS** the R & R (Doc.12) **in its entirety**, whereby the Court **GRANTS** the Respondent's Motion to **Dismiss with prejudice** (Doc. 10) and **DENIES** the Petitioner's Petition for Writ of Habeas Corpus (Doc. 1).

IT IS SO ORDERED.

DATED: September 16, 2011.

s/ J. PHIL GILBERT

**J. Phil Gilbert
District Judge**